

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8978

UNITED STATES OF AMERICA,
Plaintiff,

v.

Jose Luis MENDOZA-Ramos

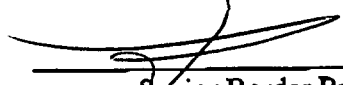
Defendants

) Mag. Case No.
) COMPLAINT FOR VIOLATION OF:
)
) Title 8, U.S.C., Section 1324(a)(1)(A)(ii)
) Illegal Transportation of Aliens
)
)
)
)
)

The undersigned complainant, being duly sworn, states:

On or about December 11, 2007, within the Southern District of California, defendant, Jose Luis MENDOZA-Ramos, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Manuel RUIZ-Rangel, Jorge VASQUEZ-Millan and Jose Victor JIMENEZ-Gutierrez had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii and Title 18, United States Code 2.

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.


Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 12th DAY OF
DECEMBER 2007.


Peter C. Lewis
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Jose Luis MENDOZA-Ramos

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon statements in the investigative
6 reports by the apprehending U.S. Border Patrol Agent J. Pestano that on December 11, 2007,
7 Jose Luis MENDOZA-Ramos, was apprehended near Calexico, California, along with (17)
8 seventeen other undocumented aliens from Mexico, in violation of law.

9 On December 11, 2007, approximately 5:40 A.M. Remote Video Surveillance System
10 Operator Agent A. McConahey observed two vehicles make an illegal entry into the United
11 States by crossing the International Boundary in the desert east of Calexico. Agent McConahey
12 observed the vehicles stop south of Interstate 8 and the occupants exited the vehicles to board
13 another vehicle, described as a white GMC van, which stopped and was waiting on the side of
14 Interstate 8. As the van stopped and the illegal entrants were boarding it, responding Agent G.
15 Hernandez observed this as he was passing the van.

16 The illegal entrants boarded and the van again began traveling again on the interstate, the
17 van did a U-turn through the median and drove westbound on the interstate. Agents Hernandez
18 and Penhallegon were able to follow and maintain a visual of the van as it traveled westbound.
19 Agent Hernandez drove up to the van and visually identified the driver, Jose Luis MENDOZA-
20 Ramos, as an older Hispanic male wearing a dark sweater with a white wool collar.

21 Using the emergency lights and siren on his Border Patrol vehicle, Agent Pestano
22 attempted to stop the van. Agent Pestano observed MENDOZA look into the rear view mirror of
23 the van when he activated his emergency lights and siren. MENDOZA failed to yield. A
24 controlled tire deflation device was successfully deployed. MENDOZA continued to drive the
25 van until he finally drove into the median and stopped. Agent Pestano stopped by the driver's
26 side door of the van. Agent Pestano observed MENDOZA jumping into the back of the van with
27 the other occupants.

28 The agents approached and identified themselves to the occupants of the van. Through
29 questioning them it was determined that all of the occupants, including MENDOZA, are natives

1 and citizens of Mexico illegally in the United States. MENDOZA and the seventeen (17) other
2 illegal entrants were arrested.

3 MENDOZA was advised his rights per Miranda. MENDOZA stated he understood his
4 rights and was willing to answer questions without an attorney present. MENDOZA admitted he
5 was the driver of the van and he was driving in lieu of payment. MENDOZA stated he has
6 helped the smugglers in the past. MENDOZA stated he was staying in touch with the smugglers
7 while driving by using a cellular phone that was given to him by the smuggler.

8 Records check revealed MENDOZA has been arrested by the Border Patrol on numerous
9 occasions and was identified as and had admitted to being the foot guide for groups which
10 illegally entered the United States.

11 Material Witnesses Manuel RUIZ-Rangel, Jorge VASQUEZ-Millan and Jose Victor
12 JIMENEZ-Gutierrez stated they are natives and citizens of Mexico illegally in the United States.
13 RUIZ, VASQUEZ and JIMENEZ stated arrangements were made with a smuggler in Mexico to
14 pay a smuggling fee to be illegally smuggled into the United States. JIMENEZ stated he was to
15 pay \$2,000.00 to be illegally smuggled into the United States. RUIZ and VASQUEZ both
16 identified positively identified photo number six, MENDOZA, as the driver of the van from a six
17 pack photo line up. JIMENEZ was not able to see the driver but stated he heard a male's voice.
18 JIMENEZ positively identified photo number six, MENDOZA, as a person who crossed illegally
19 into the United States with the group.

20 The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Manuel RUIZ-Rangel	Mexico
Jorge VASQUEZ-Millan	Mexico
Jose Victor JIMENEZ-Gutierrez	Mexico

26 Further, complainant states that Manuel RUIZ-Rangel, Jorge VASQUEZ-Millan and
27 Jose Victor JIMENEZ-Gutierrez are citizens of a country other than the United States; that said
28 aliens have admitted that they are deportable; that their testimony is material, that it is
29 impracticable to secure their attendance at the trial by subpoena; and they are material witnesses

1 in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18,
2 United States Code, Section 3144.